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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/594,792	09/29/2006	Holger Ratz	W1.2315 PCT-US	6721

7590 07/25/2008  
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EXAMINER
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DESAI, HEMANT

ART UNIT	PAPER NUMBER
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3721

MAIL DATE	DELIVERY MODE
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07/25/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/594,792	RATZ, HOLGER	
	<b>Examiner</b>	<b>Art Unit</b>	
	Hemant M. Desai	3721	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 10 July 2008.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 22-32 and 34 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 22-32 and 34 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 7/10/2008 has been entered.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 22-23 and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over German reference (1211212) in view of Bialek et al. (5267935).

German reference discloses a product folding apparatus comprising a transport track (10) adapted to transport a product (12) and having a transport track drive mechanism (since the transport device is transporting the product-12, drive-motor is inherent), a longitudinal folding apparatus (34) connected to the transport track and adapted to receive the product from the transport track and to fold the product longitudinally in the product transport direction, a vertically reciprocating folding blade (34) in the longitudinal folding apparatus, a folding table (inherent part of the invention)

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supporting the folding blade, a folding blade drive motor (30) usable to raise and lower the folding blade with respect to the folding table through a folding blade drive mechanism and the folding blade drive motor being controlled independently of the transport track drive mechanism, a folding blade drive motor control device (46), and a product sensor (12) arranged adjacent to the folding blade, the product sensor controlling the folding blade drive motor (see fig. 1), which meets all the claimed limitations. Note that “and being....direction (claim 1, lines 3-4), “to fold....direction;” (claim 1, lines 6-7), is intended use and it has been held that a recitation with respect to the manner in which a claimed apparatus is intended to be employed does not differentiate the claimed apparatus from a prior art apparatus satisfying the claimed structural limitations. *Ex parte Mahsam*, 2 USPQ2d 1647 (1987).

German reference ('212) discloses the sensor to synchronize the vertical reciprocation of the folding blade by detecting the product velocity. German reference does not disclose to synchronize the vertical reciprocation of the folding blade by measuring the product phase relation. However, Bialek et al. disclose that it is known in the art of longitudinal folding machine to synchronize the folding blade by measuring the product phase relation (see col. 4, lines 15-19). Therefore, the substitution of one known element (synchronizing the vertical reciprocation of the folding blade by measuring the product phase relation) for another (synchronize the vertical reciprocation of the folding blade by measuring by detecting the product velocity) would have been obvious to one of ordinary skill in the art at the time of the invention since the substitution of the synchronization of the folding blade by measuring the product phase relation shown in

Bialek et al. would have yielded predictable results, namely, synchronizing of folding blade in German reference to fold the product at proper time.

Regarding claim 23, German reference discloses a folding blade support lever (32, fig. 1) pivotably attached to the folding table.

Regarding claim 33, the modified German reference teaches that the product sensor is usable to synchronize movement of the folding blade with the product phase relation.

4. Claims 24-29 and 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over German reference (1211212) and Bialek et al. as applied to claim 1 and further in view of Fischer et al. (4269402).

The modified German reference ('212), as mentioned above, discloses all the claimed limitations, except for a slow down buffer. Fischer et al. teach a longitudinal folding machine having vertically reciprocating blade (4, fig. 1) to provide longitudinal fold in the printed product. Fischer et al. teach a slow down buffer (strand 8, fig.1) running a reduce speed to slow down the printed product before it hits the stop (6, fig. 1) to prevent damage to the products, danger of recoiling and to guarantee a mode of operation more gentle and protective with simultaneous high production accuracy (see col. 2, lines 2-7). Therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the slow down moving buffer (endless belt) as taught by Fischer et al. in the product folding apparatus of German Patent ('212) to slow down the printed product before it hits the stop to prevent damage

to the products, danger of recoiling and to guarantee a mode of operation more gentle and protective with simultaneous high production accuracy.

Regarding claim 34, the modified German reference discloses the product sensor is usable to synchronize the movement of the buffer using the product phase relationship.

5. Claims 30-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over German reference (1211212) and Bialek et al. as applied to claim 1 and further in view of German reference (19802995).

The modified German reference ('212), as mentioned above, discloses all the claimed limitations, except for a shunt arranged to selectively supply products. However, German Patent ('995) discloses that it is well known in the art to provide a shunt (5, 28, see fig. 1) to selectively supply products (10) for further processing. Therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the shunt as taught by German Patent ('995) in the product folding apparatus of German Patent ('212) to selectively supply products for further processing.

Regarding claims 31-32 the German Patent ('995) teaches that a shunt drives mechanism (6, fig. 2) and a shunt drive mechanism control device (24, fig. 2) and further including a shunt sensor (19) located before the shunt and usable to actuate the shunt drive mechanism control device.

***Response to Arguments***

6. Applicant's arguments with respect to claims 22-32 and 34 have been considered but are moot in view of the new ground(s) of rejection.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hemant M. Desai whose telephone number is (571) 272-4458. The examiner can normally be reached on 6:30 AM-5:00 PM, Mon-Thurs..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rinaldi I. Rada can be reached on (571) 272-4467. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Hemant M Desai/  
Primary Examiner, Art Unit 3721